

14 AUG 2000



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Patent Cooperation Treaty  
Legal Office

Address: Assistant Commissioner for Patents  
Box PCT  
Washington, D.C. 20231

William M. Blackstone  
AKZO NOBEL PATENT DEPT.  
1300 Piccard Drive #206  
Rockville, MD 20850-4373

In re Application of  
MEULMAN, Dirk G. *et al*  
U.S. Application No.: 09/380,695  
PCT No.: PCT/EP98/01239  
Int. Filing Date: 03 March 1998  
Priority Date: 05 March 1997  
Docket No.: 0/97263 US  
For: USE OF A 7 $\alpha$ -METHYL-17 $\alpha$ -ETHYNL-  
ESTRANE DERIVATIVE . . .

DECISION ON

PETITION

UNDER 37 CFR 1.182

This decision is in response to applicants' "Letter" ("Ltr.") filed via facsimile on 01 August 2000 requesting that the United States Patent and Trademark Office (PTO) allow applicant to correct the PCT number listed on the original transmittal letter filed 03 September 1999. This is being treated as a petition under 37 CFR 1.182. The \$130.00 fee has been charged to Deposit Account No. 02-2334 as authorized.

**BACKGROUND**

On 03 September 1999, applicants filed for entry into the national stage in the United States under 35 U.S.C. 371 which was accompanied by, *inter alia*, a copy of the international application, a preliminary amendment, and a check of \$840.00 for the basic national fee. Applicants listed the international application number as PCT/EP98/01239 on the transmittal letter (Form PTO-1390).

On 01 August 2000, applicants submitted the instant communication along with a substitute transmittal letter indicating a different international application number (PCT/EP98/01293) for the above-captioned application.

**DISCUSSION**

Counsel requests that the PTO allow applicants to change the international application number to "PCT/EP98/01293" from "PCT/EP98/01239." Counsel explains that "[t]he transposition of the 9 and the 3 in the priority PCT application number was a clerical error made without deceptive intent." Ltr. ¶ 1.

A review of PTO records reveals that the original transmittal letter and preliminary amendment filed on 03 September 1999 both indicate that the international application number was "PCT/EP98/01239." However, PCT/EP98/01239 is titled "Swivelling Lever Control That Can be Padlocked for Closing Switchboard Cabinet Doors or the Like" and has already entered the national stage in the United States and given a different U.S. Application Number.

Furthermore, a review of World Intellectual Property Organization records indicate that PCT/EP98/01293 is titled "Use of a 7 $\alpha$ -Methyl-17 $\alpha$ -Ethinyl-Estrane Derivative for the Treatment of Atherosclerosis," the inventors are Dirk G. Meulman and Pieter Zandberg, and the international application has an international filing date of 03 March 1998 and priority date of 05 March 1997. This information is identical to the information listed on applicants' transmittal letter and preliminary amendment filed 03 September 1999.

Accordingly, it is clear that the PCT number listed on the original transmittal letter and preliminary amendment was erroneous and should have been listed as "PCT/EP98/01293."

#### DECISION

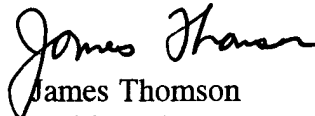
For the reasons discussed above, applicants' petition under 37 CFR 1.182 to correct the PCT number for the above-captioned application to PCT/EP98/01293 is hereby **GRANTED**. However, applicants provided no indication of the correct PCT number prior to the expiration of thirty months from the earliest claimed priority date. Consequently, the above-captioned application is hereby **ABANDONED**.

Applicants may wish to consider filing a petition to the Commissioner under 37 CFR 1.137(a) or (b) requesting that the application be revived with the appropriate fee. Applicant must also submit a new preliminary amendment annotating the proper international application number of PCT/EP98/01293.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the PCT Legal Office.



Richard Cole  
PCT Legal Examiner  
PCT Legal Office



James Thomson  
Petitions Attorney  
PCT Legal Office

Tel.: (703) 308-6457